



# MEDIA RELEASE

STATE OF TENNESSEE  
DEPARTMENT OF COMMERCE AND INSURANCE

FOR IMMEDIATE RELEASE

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## REGULATORY BOARDS DISCIPLINARY ACTION REPORT, JULY 2009

### Board of Funeral Directors and Embalmers

Respondent: American Cremation Society, Memphis, TN  
Violation: Advertising as a "cremation service" but not licensed as an establishment by the Board  
Action: \$500 Civil Penalty

Respondent: Austin & Bell Funeral Home, Springfield, TN  
Violation: Current license of a funeral director was not available for inspection and failure to affix a permanent identification device on casketed human remains  
Action: \$500 Civil Penalty

Respondent: Barlow Funeral Home, Covington, TN  
Violation: Charges on Statement of Funeral Goods and Services Selected inconsistent with prices on General Price List (GPL), price ranges on the GPL inconsistent with prices on the Casket Price List (CPL) and Outer Burial Container Price List, numerous caskets in the selection room priced inconsistent with the CPL, prices on GPL for immediate burial and direct cremation incorrect, CPL does not include an alternative container, CPL does not have an effective date and cremation authorization form not signed by a funeral director  
Action: \$1500 Civil Penalty

Respondent: Chase Funeral Home, Inc., Huntingdon, TN  
Violation: Statement of Funeral Goods and Services Selected does not contain individual items comprising a funeral package and the General Price List does not specify description of casket for a direct cremation  
Action: \$250 Civil Penalty

Respondent: Covenant Funeral & Cremation Service, Chattanooga, TN  
Violation: Price range on the General Price List inconsistent with prices on the Outer Burial Container Price List and failure to affix a permanent identification device on casketed human remains  
Action: \$250 Civil Penalty

Respondent: Dillow-Taylor Funeral Home, Inc., Jonesborough, TN  
Violation: Failure to list reason for embalming on numerous Statements of Funeral Goods and Services Selected and failure to maintain a copy of the current license and latest inspection report of the crematory that the funeral home uses  
Action: \$250 Civil Penalty

Respondent: Higgins Funeral Home of Benton, LLC, Benton, TN  
Violation: General Price List does not contain all required disclosures, price charged for outer burial container higher than the price listed on the Outer Burial Container Price List and packages listed on wall of selection room without itemization  
Action: \$250 Civil Penalty

Respondent: J. W. Adkins Funeral Home, Nashville, TN  
Violation: The price range for immediate burial on the General Price List (GPL) inconsistent with casket prices listed on the Casket Price List (CPL), the price range for direct cremation on the GPL inconsistent with prices on CPL, prices on the Outer Burial Container Price List inconsistent with the selection notebook used by establishment, reason for embalming not listed on Statement of Funeral Goods and Services Selected and failure to maintain a copy of the current license and latest inspection report of the crematory that the funeral home uses  
Action: \$250 Civil Penalty

Respondent: John P. Franklin, Jr., Chattanooga, TN  
Violation: Conviction of a felony – Case Number 1:08-CR-51-008 in the United States District Court, Eastern District of Tennessee on May 14, 2009  
Action: \$750 Civil Penalty, shall abide by all terms and conditions of probation imposed upon Respondent by the Court for the duration of the probation, and shall present to the Board, upon applying for license renewal, a verified statement from the probation officer or supervising court affirming the Respondent's compliance with all terms and conditions of probation

Respondent: Michael Dan Garland, Murray, KY  
Violation: Unprofessional or immoral conduct – convicted of offenses in Case No. 08-CR-00144 in the Commonwealth of Kentucky, Calloway Circuit Court on January 16, 2009  
Action: \$500 Civil Penalty, shall abide by all terms and conditions of probation imposed upon Respondent by the Court for the duration of the probation, and shall present to the Board, upon applying for license renewal, a verified statement from the probation officer or supervising court affirming the Respondent's compliance with all terms and conditions of probation

Respondent: Northridge Woodhaven Funeral Home, Millington, TN  
Violation: Caskets do not have a label in a conspicuous location on the outside with concise wording describing the material of which the receptacle is formed or manufactured and failure to maintain a copy of the current license and latest inspection report of the crematory that the funeral home uses  
Action: \$250 Civil Penalty

Respondent: R. A. Clark Funeral Service, Inc., Bristol, TN  
Violation: The current licenses of two funeral directors not available for inspection  
Action: \$250 Civil Penalty

Respondent: Rawls Funeral Home, Union City, TN  
Violation: Charging for both basic services and direct cremation on the same service, resulting in an overcharge to the consumer  
Action: \$250 Civil Penalty

Respondent: Tetrick Rhododendron Chapel, Roan Mountain, TN

Violation: Failure to maintain a copy of the current license and latest inspection report of the crematory that the funeral home uses  
Action: \$250 Civil Penalty

### **Burial Services**

None

### **Alarm Systems Contractors Board**

Respondent: Protection One Alarm Monitoring Inc. Nashville, TN  
Violation: License certification not on letterhead  
Action: \$100 civil penalty

Respondent: State Systems Inc. Memphis, TN  
Violation: License certification not on letterhead  
Action: \$100 Civil penalty

### **Private Investigation and Polygraph Commission**

Respondent: Rhonda Manning, Bell Buckle, TN  
Violation: Required CPEs not earned on time  
Action: \$250 Civil penalty

Respondent: Christopher Wheatley, Nolensville, TN  
Violation: Required CPEs not earned on time  
Action: \$250 civil penalty

Respondent: David Elliot Wilson, Franklin, TN  
Violation: Required CPEs not earned on time  
Action: \$250 civil penalty

Respondent: Brian M. Seaver, Nashville, TN  
Violation: Required CPEs not earned on time  
Action: \$250 civil penalty

### **Private Protective Security Services**

Respondent: Michael M Stone, Memphis, TN  
Violation: Failure to notify of arrest within required time  
Action: \$250 Civil penalty

### **Tennessee Real Estate Commission**

Respondent: Tracy Chattaway, Knoxville, TN  
Violation: Failure to timely complete required education  
Action: \$650 Civil Penalty

Respondent: Delores A. Ferguson, Columbia, TN  
Violation: Failure to exercise reasonable skill and care  
Action: \$1,500 Civil Penalty

Respondent: James D. Gilmore, Franklin, TN  
Violation: Failure to supervise affiliates  
Action: \$1,000 Civil Penalty

Respondent: James R. Martin, Carthage, TN  
Violation: Failure to supervise affiliates  
Action: \$250 Civil Penalty

Respondent: Interstate Realty Co., Bristol, TN  
Violation: Agency disclosure violation  
Action: \$250 Civil Penalty

Respondent: Anna J. Palazola, Memphis, TN  
Violation: Failure to supervise affiliates  
Action: \$2000 Civil Penalty

Respondent: Marlene J. Rakow, Columbia, TN  
Violation: Failure to supervise affiliates  
Action: \$3500 Civil Penalty

### **Tennessee Real Estate Appraiser Commission**

Respondent: Darrell E. Watson, Dover, TN  
Violation: Violated the public trust and USPAP by accepting an appraisal fee in August of 2007 but failed to prepare an appraisal report for his client until after a civil judgment was filed against him for the appraisal fee in early May 2008; he then delivered a report which was not relevant to the intended use and user(s) of the report in late May of 2008 and which contained numerous violations of USPAP.

Action: Suspension of certified residential real estate appraiser credential effective July 21, 2009 for two years and indefinitely until a civil penalty of \$5,000 and all investigatory and hearing costs are paid.

Respondent: Thomas P. Lynch, Winchester, TN  
Violation: Multiple Violations of Standard 1 & 2 of USPAP.  
Action: \$1,000 civil penalty and ordered to complete three (3) specified appraisal courses.

Respondent: Jim L. Pemberton, Jr., Knoxville, TN  
Violation: Multiple Violations of Standard 1 & 2 of USPAP.  
Action: Ordered to complete two (2) specified appraisal courses.

Respondent: Manning S. White, Kingsport, TN  
Violation: Multiple Violations of Standard 1 & 2 of USPAP.  
Action: \$2,500 civil penalty and ordered to complete three (3) specified appraisal courses.

Respondent: Christopher R. Holt, Kingsport, TN  
Violation: Multiple Violations of Standard 1 & 2 of USPAP.  
Action: Ordered to complete three (3) specified appraisal courses.

Respondent: Mark B. Alexander, Savannah, TN  
Violation: Multiple Violations of Standard 1 & 2 of USPAP.

Action: \$500 civil penalty and ordered to complete two (2) specified appraisal courses.

Respondent: Kim Shiney Realey, Mt. Juliet, TN  
Violation: Multiple Violations of Standard 1 & 2 of USPAP.  
Action: \$2,000 civil penalty.

Respondent: David J. Brocklehurst, Thompson's Station, TN  
Violation: Multiple Violations of Standard 1 & 2 of USPAP.  
Action: \$1,000 civil penalty and two (2) specified appraisal courses.

### **Tennessee Employee Leasing Program**

Respondent: HR Prime, LLC, Chapel Hill, NC  
Violation: Failed to file quarterly reports certifying payment of all applicable payroll taxes for last three quarters of 2007, failed to provide evidence of workers' compensation insurance coverage, and failed to respond at all to March 18, 2008 written request for this evidence from the Commissioner's authorized representative.  
Action: Voluntary surrender of Respondent's license in lieu of the State taking further administrative action within this complaint.

### **Motor Vehicle Commission**

Respondent: Purdy's Service Center and Used Cars, Sweetwater, TN  
Violation: Open Title Violation  
Action: \$500 Civil Penalty

Respondent: American Motorsports, Dickson, TN  
Violation: Temporary Tag Log Violation  
Action: \$500 Civil Penalty